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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. **Marco Antonio CONTRERAS-Perez,** Defendant(s)	Magistrate Case No. '08 MJ 11 15 COMPLAINT FOR VIOLATION OF: Title 8 U.S.C., Sec. 1324 (a)(2)(B)(iii) Bringing in Illegal Aliens Without Presentation

The undersigned complainant, being duly sworn, states:

On or about **April 10, 2008,** within the Southern District of California, defendant **Marco Antonio CONTRERAS-Perez**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Ruben LOPEZ-Basulto, Juan CASTILLO-Vega, Giovani VENANCIO-Nieves,** had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **11th** DAY OF **APRIL 2008.**

Ruben B. Brooks
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Marco Antonio CONTRERAS-Perez

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PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Ruben LOPEZ-Basulto, Juan CASTILLO-Vega, and Giovani VENANCIO-Nieves** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On April 10, 2008, Border Patrol Agent P. Shepard was performing linewatch duties near Otay Mesa, California. This area is approximately two miles west of the Port of Entry at Otay Mesa, California and adjacent to the United States/Mexico International Border.

At about 2:55 a.m. Agent Shepard responded to a call from a Remote Video Surveillance System (RVSS) operator that a group of about ten suspected illegal-entrant aliens had climbed over the primary border fence in the area of the Britannia Building, and were attempting to scale the secondary fence using a ladder. The RVSS operator stated that nine subjects had scaled the secondary fence and were running north, and that the last subject appeared to be returning south to Mexico with the ladder. As Agent Shepard reached the north side of the secondary fence he saw a group of nine subjects running north. Agent Shepard detained these persons, identified himself as a Border Patrol Agent and conducted an immigration inspection. One of these persons was later identified as defendant **Marco Antonio CONTRERAS-Perez**. All nine individuals stated that they were citizens and nationals of Mexico illegally present in the United States. Agent Shepard placed all nine subjects under arrest, and they were transported to the Imperial Beach Border Patrol Station for processing.

STATEMENT OF MATERIAL WITNESSES:

All three individuals Ruben LOPEZ-Basulto, Juan CASTILLO-Vega, and Giovani VENANCIO-Nieves all stated they were illegally present in the United States without the proper documentation. All individuals stated a family member or a friend made arrangements for them to be smuggled into the United States for a fee ranging from $2,000.00 to $2,800.00. The witnesses were told if apprehended to not say whether or not there was a foot guide in the group. When shown a photographic lineup, all three material witnesses were able to identify the defendant, Marco Antonio CONTRERAS-Perez, as the person who illegally guided them across the United States/Mexico Border.